IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1111 OF 2007

Vivek Chandrakant Bhangare ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Ms.Poorja Bojne, Adv. for the Applicant.
Mr.V.B.Konde-Deshmukh, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.
DATED : 12th April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking bail in C.R.No.I-39 of 2006 of Rabale Police Station, Thane. The said case is under Section 302 of IPC.

3. It is the prosecution case that there was enmity between Rakesh Mhatre (deceased) and the present applicant. Hence, the applicant entered into conspiracy along with Sunil Tambe and Novel and others to commit the murder of Rakesh Mhatre. Pursuant to the said conspiracy, Sunil Tambe and Novel assaulted Rakesh Mhatre with sword and

chopper on 3.2.2006 and caused his death.

4. Witness Rajaram has stated in his statement that on the night prior to the incident, the applicant and coaccused Sunil Tambe and Novel came to his hotel. At that time, Applicant told Sunil Tambe and Novel and two others that Rakesh Mhatre is to be murdered. This witness heard the said conversion, hence he was threatened that he should not disclose about the conversation to any person. While leaving, the applicant and the coaccused took weapons with them. Thereafter, on the next day, Rakesh Mhatre came to be murdered by coaccused Sunil Tambe and Novel.

5. The material gathered by the prosecution clearly shows that it is the applicant who is the main brain behind this crime, hence I do not think that this is a fit case to grant bail. Application is rejected. Trial is expedited.

(SMT.V.K.TAHILRAMANI,J.)